



South Florida Water Management District

GOVERNING BOARD MEETING MINUTES

December 15 & 16, 2008

9:30 AM

District Headquarters - B-1 Auditorium

3301 Gun Club Road

West Palm Beach, FL 33406

Members Present:

Eric Buermann, Chair

Michael Collins

Charles Dauray

Shannon Estenoz

Paul C. Huck Jr.

Melissa Meeker

Jerry Montgomery

Patrick Rooney

1. Call to Order - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 9:30 am.

Note: Mr. Huck was present at the Governing Board meeting on 12/15 from 9:30 - 1:00 pm. Mr. Huck was absent from the Governing Board meeting on 12/16.

2. Pledge of Allegiance - Eric Buermann, Chairman, Governing Board

Chair Buermann led the group in the Pledge of Allegiance.

Nancy Marshall, Arthur R. Marshall Foundation, presented the District with the 2008 Champion of the Everglades Award.

3. Agenda Addendum - Annette Carter, Director, Office of Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services read into the record the agenda addendum. Copies were made available to the public.

4. Abstentions by Board Members from items on the Agenda

Ms. Meeker abstained from Discussion Agenda Item 24.

Mr. Huck abstained from Workshop Agenda Items 43 and 44, River of Grass.

Ms. Estenoz read into the record: "I sought clarity from the Florida Commission on Ethics regarding my participation and vote on the River of Grass acquisition when my husband is an attorney in a lawsuit pertaining to mining interests within the subject property. The Florida Commission on Ethics issued a formal opinion, CEO 08-30, which clearly found no conflict of interest would be created under Florida Statutes."

5. Water Resources Advisory Commission (WRAC) Report - Mike Collins, Chair

Mr. Collins reported on the WRAC and Lake Okeechobee Committee joint meeting which was held on December 3, 2008 in Key Largo, Florida. Mr. Collins reported on the action items discussed at the meeting.

Consent Agenda

6. Public Comment on Consent Agenda

Newton Cook, United Waterfowlers, commented on the WRAC items and 2008 Champion of the Everglades Award presented by the Arthur R. Marshall Foundation.

7. Pull Items for Discussion from Consent Agenda

There were no items pulled for discussion from the Consent Agenda.

8. Board Comment on Consent Agenda

There was no Board comment on the Consent Agenda.

Everglades Restoration

9. 2008-1214 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 2.86 acres, more or less, for the Herbert Hoover Dike Rehabilitation Project, in Palm Beach County, in the amount of \$170,000, and associated costs; for which dedicated funds (Florida Forever Trust Fund) are budgeted; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date. (Bruce Hall, ext. 6541)

10. 2008-1215 A Resolution of the Governing Board of the South Florida Water Management District requesting the release of funds from Florida Forever Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 2.86 acres, more or less, for the Herbert Hoover Dike Rehabilitation Project in Palm Beach County, in the amount of \$170,000, and associated costs; providing an effective date. (Bruce Hall, ext. 6541)

Executive Office

11. **2008-1216** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending the current purchase order with Anthony L. Jackson and Co., and authorize a waiver of competition as an exception to the general standards of competition, for a SAP Workflow ABAP Programmer, in an amount not to exceed \$244,800 for which of ad valorem funds are in the FY09 budget; providing an effective date. (Purchase Order No. 4500026580) (Paul E. Dumars, ext 6212)
12. **2008-1217** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending the current purchase order with Anthony L. Jackson and Co., and authorize a waiver of competition as an exception to the general standards of competition, for a SAP Portal Programmer, in an amount not to exceed \$244,800 for which of ad valorem funds are in the FY09 budget; providing an effective date. (Purchase Order No. 4500026591) (Paul E. Dumars, ext 6212)
13. **2008-1218** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an amendment to Purchase Order 4500021535 with Zenith Infoway, Inc. as a special procurement using the State of Florida contract 973-561-06-1, for a SAP BW ABAP Programmer from January 1, 2009 through September 30, 2009, in the amount of \$200,675 for which ad valorem funds are budgeted in FY09, providing an effective date. (Purchase Order 4500021535, Paul E. Dumars, Sr., ext 6212.)
14. **2008-1219** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Cognix Technologies, Inc., and authorize a waiver of competition as an exception to the general standards of competition, for a SAP HR Payroll/Time Lead, in an amount not to exceed \$242,876 for which ad valorem funds are in the FY09 budget; providing an effective date. (Purchase Requisition No. 10068855, Paul E. Dumars, Sr., ext 6212)
15. **2008-1220** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to appear as amicus curiae and take all appropriate action staff deems necessary to protect the District's interests, subject to approval of the Executive Director, in the matter of *Drake v. Walton County*, in the First District Court of Appeals, State of Florida, Case No. 1D07-3202, including further appeals and providing an effective date. (Jim Nutt, Ext. 6253)

Government and Public Affairs

16. **2008-1221** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1-year agreement with the Treasure Coast Resource Conservation & Development Council for Citrus BMP Project, in the total amount of \$460,000, of which the District's total contribution is \$230,000 for which dedicated funds (State Appropriations) are budgeted, providing an effective date. (Contract Number:4600001574)(Kathryn LaMartina, ext. 3603)

17. **2008-1222** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost share agreement with Monroe County for nine (9) stormwater improvement projects, in the total amount of \$1,000,000 of which the District will contribute \$500,000 in budgeted ad-valorem funds subject to Governing Board approval, providing an effective date. (Contract # 4600001593, Tom Genovese, x 7091)
18. **2008-1223** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5-year cost share agreement with the Palm Beach County Board of County Commissioners and the City of West Palm Beach for the Northlake Boulevard Bridge Design and Construction in the total amount of \$4,300,000, of which the District's total contribution is for a 3-year period and is not to exceed \$800,000 of which dedicated funds (Comprehensive Everglades Restoration Plan Fund) in the amount of \$166,000 are budgeted in FY09 and the remainder is subject to Governing Board approval of the FY10-FY11 budgets; providing an effective date. This new resolution is replacing resolution number 2008-1022 to correct a discrepancy in the duration of the contract. (Kimberley Koptak, ext. 6163) (Contract Number 4600001529)
19. **2008-1224** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3-year contract with 2 (two) one year renewal options with U&Me storage for the purpose of off-site records storage and retrieval in the amount of \$400,000 of which ad valorem funds in the amount of \$108,000 are budgeted for FY09 and the remainder is subject to Governing Board approval of the FY10-13 budgets; providing an effective date. (Contract Number 4600001644) (Julie Collier, ext 6436)
20. **2008-1225** A Resolution of the Governing Board of the South Florida Water Management District to authorize amending the offsite records storage contract with Iron Mountain, Inc. for an additional six (6) months and \$72,000.00 of ad valorem funds, which are budgeted for in FY09 to pay for storage costs through March 2009 until the Districts records are moved to a new vendor; providing an effective date. (Julie Collier, ext. 6436)

21. Board Vote on Consent Agenda

Motion made by Michael Collins, seconded by Paul C. Huck Jr. to Approve the following item(s): 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

Vote called. Voting yes: Michael Collins, Paul C. Huck Jr., Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

Workshop Agenda

Water Resources

40. **Year-Round Landscape Irrigation Conservation Measures Rule Update** - Chip Merriam, Deputy Executive Director, Water Resources (ext. 6597)

Mr. Merriam presented information on the year-round landscape irrigation conservation measures rule update. Mr. Merriam reported on background information and lower-cost alternatives pertaining to the Year-Round Landscape Irrigation Conservation Measures Rule.

There was Board discussion supporting the lower-cost alternatives for the rule.

Mr. Dauray commented on permitting water allocation percentages.

Mr. Merriam provided additional information on water metering, permitting, and allocations.

Everglades Restoration

41. Biscayne Bay Coastal Wetlands Policy Discussion - Ken Ammon, Deputy Executive Director, Everglades Restoration (ext. 4220)

Ken Ammon, Deputy Executive Director, Everglades Restoration, presented information on the policy decision established in 2007 for Biscayne Bay Coastal Wetlands and the Biscayne Bay Critical Restoration Areas. The primary project purpose was to preserve and restore coastal habitat along Biscayne Bay.

Mr. Merriam presented information on the Environmental Resource Permit application for the proposed Cutler Properties Development.

There was Board discussion on modifying the policy and budget issues for this project.

Ms. Estenoz commented that she supports moving forward with this permit application and to have a policy discussion. She discussed having project-by-project decisions on permits.

Public Comment: Howard Nelson, representing Cutler Properties, commented on the 4-year application process.

Mr. Merriam reported on meeting permit criteria and the application process.

Mr. Ammon reported on Board direction:

- The Governing Board rescind it prior policy statements and press release regarding the critical area of the Biscayne Bay Coastal Wetlands.
- Resolving that areas previously identified as critical area within the Biscayne Bay Coastal Wetlands Project shall be considered on a case by case basis utilizing the existing rules pertaining to Environmental Resource Permits.
- Those areas outside of the critical area shall continue to be considered on a case by case basis utilizing the existing rules pertaining to Environmental Resource Permits.

42. Overview of Federal Agreements - Ken Ammon, Deputy Executive Director, Everglades Restoration (ext. 4220)

Mr. Ammon presented information on the current and pending Federal agreements. Mr. Ammon reported on the agency and cost-share responsibilities of the projects. Those projects include: Hebert Hoover Dike Project, Central and South Florida Flood Control Project, C-111 South Dade Project, Modified Water Deliveries to Everglades National Park Project, Kissimmee River Restoration Project, Critical Restoration Projects, C-51 STA-1 East Project, Comprehensive Everglades Restoration Plan (CERP), CERP Pre-Partnership Credit Agreement, CERP Master Agreement, and CERP Project Partnership Agreements.

There was Board discussion on agreements with the Federal Government, the District's responsibilities of non-functional projects and negotiations on the language in the agreements.

Stu Appelbaum, U.S. Army Corps of Engineers, provided information on statutory costs for projects and unanticipated operational issues.

Mr. Collins commented on language in the agreements and existing federal rules.

Mr. Montgomery discussed simplifying the contract language and having a fundamental agreement on basic issues.

Mr. Ammon reported on Water Resource Development Act (WRDA) 2000 and WRDA 2007 for CERP projects which included discussions on pre-partnership credit agreements.

Executive Office

43. 'River of Grass' Project Update - Carol Wehle, Executive Director (ext. 2893)

Tom Olliff, Assistant Executive Director, provided a preliminary introduction and overview to the River of Grass Purchase and Sale Agreement and Lease.

Mr. Strowd, Assistant Deputy Executive Director, Everglades Restoration, reported on the due diligence - engineering evaluation. Mr. Strowd reported on the key findings for the crop area lands, the facilities in crop areas, airstrips, and non-process buildings.

Bill Sudow, Sidley Austen LLP, reported on liability issues, indemnification, and insurance provisions for the U.S. Sugar land acquisition.

Mr. Strowd then reported on the impacts to the secondary drainage districts (298 Districts) which include: tax revenue concerns, off-site seepage, water supply, and pump and control structure facility relocation.

Mr. Montgomery commented on costs on existing repairs and expenses for U.S. Sugar to run their operation.

Bob Kukleski, Lead Environmental Engineering Specialist, reported on due diligence - environmental assessments.

There was Board discussion on remediation costs for achieving ecological standards dependent on location of restoration project.

Mr. Kukleski reported on the ecological risks of the U.S. Sugar land, summary of previous soil inversion pilot studies and remediation projects.

There was Board discussion on possible arsenic concentrations in the soil.

Mr. Kukleski discussed a more stringent BMP protocol to tract the agro-chemical concentrations of the acquisition area.

Mr. Kukleski presented information on the soil inversion pilot study, soil inversion procedure tests performed, and the pilot study observations, recommendations and conclusions.

Mr. Dauray commented on remediation being time consuming and expensive.

Public Comment: Chelsea Brown, Clewiston High School, spoke on behalf of 75 students and teachers. She commented on State's budget cuts and the purchase of the U.S. Sugar land acquisition. She requested the Board not rush into the acquisition and vote no.

Public Comment: Richard Murphy, Superintendent, Hendry County School Board, supports Everglades restoration. He requested an economic transition plan for the Glades community. He also reported on the State's budget cuts and revenue losses and requested the Board vote no on the U.S. Sugar land acquisition.

Ray Palmer, Chief Appraiser, reported on the appraisals:
Appraisal 1 - draft appraisals of "all assets" of US Sugar Corp.;
Appraisal 2 - appraisals of the "land only"; Appraisal 3 - addendum to previous appraisal.

Mr. Collins commented on the appraisals for the value of land for agricultural use and rock mining, taking into account the economy and the permitting process.

Mr. Dauray commented on the appraisal of citrus land.

Mr. Palmer provided additional information on the appraisals of citrus land.

Mr. Palmer reported both appraisals reflect reasonable market values.

Mr. Palmer then reported on the market lease rate conclusions: \$175 per acre by Anderson & Carr, Inc., and \$200 per acre by Sewell, Valentich, Tillis and Associates.

Mr. Strowd reported on the studies of economic values of the Northern Estuaries and Florida Bay.

Deena Reppen, Deputy Executive Director, presented information on the outreach activities for the Everglades land acquisition project. Ms. Reppen reported on the concerns of the public expressed at meetings and emails.

Chairman Buermann reported on the Miami Dade Delegation meeting held on December 10, 2008 in Miami, Florida.

Mr. Montgomery commended staff for their hard work on the "Reviving the River of Grass" website.

Paul Dumars, Chief Financial Officer, presented information on the bond validation proceedings. The District requested a continuance of the hearing until after December 16, 2008. The court granted the request and rescheduled the hearing for February 6, 2009.

Doug Bergstrom, Director, Budget Division, presented a 10-year projection of revenue sources and uses, review of revenue trends and assumptions, and a review debt service estimates based on current market conditions.

Mr. Bergstrom reported on the ad valorem estimates, debt service estimates, and the forecast scenarios and results.

Ms. Wehle reported on the time periods for funding and forecast predictions.

There was Board discussion on budget forecast predictions and State funding.

Mr. Dumars then presented a summary of revenue estimate, revenue sources, core operations, existing land contracts, and debt service estimate.

There was Board comment on ad valorem revenue estimates, economic changes, and lease payments for the U.S. Sugar land acquisition.

Public Comment: Rev. Joshua Caraway, Clewiston Church of God, commented on the uncertainties of the U.S. Sugar land acquisition and the impacts to the Glades community.

Public Comment: Chris Shupe, Olde Cypress Community Bank, representing several financial institutions and employees. Mr. Shupe stated the Glades community has concerns about the economic impacts and not having an economic transition plan. He opposes this contract agreement.

Public Comment: Joanne Davis, 1000 Friends of Florida, commented on a land acquisition in Palm Beach County in 1991. She supports the land acquisition.

Public Comment: Sara Fain, Everglades Coalition, supports the U.S. Sugar land acquisition and Everglades restoration.

Public Comment: Jennifer Hecker, Conservancy of Southwest Florida, supports the U.S. Sugar land acquisition and Everglades restoration.

Public Comment: Lisa Interlandi, Everglades Law Center, commented on the land acquisition, Everglades restoration, and water storage in the EAA. She supports the U.S. Sugar land acquisition.

Public Comment: Dr. Mark Kraus, Everglades Foundation, stated this is a monumental decision. He reported on water storage and water treatment for Everglades restoration. He supports the U.S. Sugar land acquisition.

Public Comment: Gaylon Lawrence, Jr., Lawrence Group, commented on purchasing U.S. Sugar Corp. in 2005. He said they are very interested in working with South Florida for economic and environmental success.

Public Comment: John A. Marshall, Arthur Marshall Foundation, commented on the value of the land purchase.

Public Comment: Kevin McCarthy, Hendry County Commissioner, urged the Board to make their decision by science and engineering and stressed the fiduciary responsibility of the Board. Commissioner McCarthy requested an economic transition plan. He requested the Board vote no on the contract agreement.

Public comment: John Perry, Sr., Former Clewiston Mayor, commented on the State's budget cuts. He opposes the contract agreement.

Public comment: Mark Perry, Florida Oceanographic/Everglades Coalition, supports the purchase of the U.S. Sugar land acquisition.

Public Comment: Cynthia Plockelman, Audubon Society of Everglades, commented on the appraisals and evaluations and thinks the State needs to acquire the land but will understand if the Governing Board directs staff to start over.

Public Comment: Charles Shinn, Florida Farm Bureau Federation declared opposition of the contract agreement between U.S. Sugar Corp and the District.

Public Comment: Bill Summers, citizen, commented on a newspaper article from December 10th. He supports the purchase.

Public Comment: Jonathan Ullman, Sierra Club, supports this purchase because of global warming and sea level rise.

Public Comment: Rae Ann Wessel, citizen, commented on the importance of improvements of water quality and treatment. She supports this purchase.

Public Comment: Melissa Whitehead, Clewiston citizen, had concerns on the economic impacts to the Glades community.

Public Comment: Butch Wilson, Clewiston citizen, commented on the other companies interested in purchasing this land. He requested the Board postpone the purchase.

Public Comment: Robert Blackwell, citizen, opposes the purchase.

Chair Buermann adjourned the 12/15 meeting at 5:25 pm. The meeting will resume on 12/16 at 9:00 am.

Chair Buermann called the meeting to order on 12/16 at 9:10. Chair Buermann led the group in the Pledge of Allegiance.

Ruth Clements, Director, Land Acquisition Department, presented information on the U.S. Sugar acquisition purchase and sale contract & lease agreement.

Ms. Clements reported on the closing date and special clauses of the purchase agreement. Ms. Clements also reported on the environmental provisions of the purchase agreement. Ms. Clements then reported on the lease agreement.

Kirk Burns, Managing Attorney, reported on the negotiations of Best Management Practices (BMPs) with U.S. Sugar Corp.

There was Board discussion on the BMPs, arsenic contamination on the property, minor revisions to the contract, and the interest rate of the Evergreen escrow Fund.

Ms. Wehle summarized all the issues workshopped with the Governing Board regarding the U.S. Sugar land acquisition.

Mr. Montgomery commended staff for their hard work that has been done regarding the U.S. Sugar land acquisition.

Mr. Collins commented on the special legislative session and the State requesting information on unencumbered funds for all State agencies.

Ms. Wehle reported on the contract, budget and financing timelines.

There was Board discussion on the bond validation process and financing timeline. A clause provision in the contract regarding revenue decline and affordability was proposed.

Ms. Wehle commented on the interest rates, State revenue, District policy, ad valorem funding and debt to revenue ratios.

There was further Board discussion on open issues pertaining to the contract including the revenue decline clause and beneficial interest affidavit.

Ray Hanna, Attorney, provided information on the bond validation hearing and Florida Crystals filing a motion opposing the validation based on whether this project constitutes a paramount public purpose.

Ms. Wehle then reported on the environmental benefits and the economic benefits for the U.S. Sugar land acquisition.

There was further Board discussion on the land acquisition, the lack of a plan, and investing in long term water supply, flood control and environmental infrastructure.

Public Comment: Carl Berner, Clewiston businesses, commented on the financial distress for the District and economic impacts to the Glades community.

Public Comment: James Charles, Seminole Tribe of Florida, commented on lease agreements and purchase/sell agreement.

Public Comment: Andrew Couse, Glades County Economic Development Board, commented on the District's debt service and protection of the estuaries.

Public Comment: Miller Couse, First Bank of Clewiston, commented on the cash flow of the U.S. Sugar deal and he requested the Board vote no.

Public Comment: Rosa Durando, Audubon Society, commented on the Board not having adequate information pertaining to the land acquisition. Her concerns are mercury contamination.

Public Comment: Kirk Fordham, citizen, commented on opponents of the land acquisition. He supports the land acquisition.

Public Comment: Dr. Paul Gray, Audubon of Florida, supports the land acquisition.

Public Comment: James Harvey, citizen, commented on the value, lease agreement, and competition of the contract.

Public Comment: Frank Jackalone, Sierra Club, commented on water storage in the EAA. He supports the land acquisition for restoring the Everglades.

Public Comment: Drew Martin, Sierra Club, supports the land acquisition and commented on corporate responsibility of U.S. Sugar Corp. for the Glades community.

Public Comment: Melanie McGahee, Clewiston Attorney, commented on U.S. Sugar Corp. managers and the economic impacts to the Glades community. Clewiston requests a transitional economic plan.

Public Comment: Thom Rumberger, Everglades Trust, commented on the Miami Dade Delegation meeting. He supports the land acquisition.

Public Comment: Carey Soud, Hendry County resident, has economic concerns for Hendry County and the District's revenue issues. He does not support the land acquisition.

Public Comment: Karson Turner, Hendry County Commission, commented on the Miami Dade Delegation meeting held on December 10, 2008. He does not support the land acquisition.

Public Comment: Thomas VanLeaf, Everglades Foundation, supports the land acquisition.

Public Comment: Representative Denise Grimsley (via video), commented on an economic transition plan for the Glades community. She said OTTED and the Governor have remained silent. She does not support this proposal.

Public Comment: Deborah VanSickle, First Bank, requested an economic transition plan for the Glades community.

Public Comment: Jacquie Weisblum, Audubon of Florida, commented on a ecological emergency in the purchase of U.S. Sugar land acquisition.

Public Comment: Karl Wickstrom, Rivers Coalition, commented on the protection of the estuaries and Everglades. He supports the purchase of the U.S. land acquisition.

Public Comment: Gaston Cantens, Florida Crystals, reported on a multi party transaction for the land acquisition. Florida Crystals supports Everglades restoration but opposes this contract.

Public Comment: Wade Hopping, Florida Sugar Cane Growers Cooperative, commented on the price of the land acquisition, and the fiduciary responsibility of the Board and he does not support the land acquisition.

Public Comment: Mali Chamness, Mayor of Clewiston, thanked the Board and staff for working with the Glades community. Mayor Chamness requested an economic transition plan.

Public Comment: Gabriel Nieto, Florida Crystal, commented that this purchase is a bad deal due to budgetary shortfalls. He opposes the land acquisition.

Public Comment: Michael Sole, Secretary, Florida Department of Environmental Protection, commended the hard work of District staff. Secretary Sole read into the record a letter to the Governing Board from Governor Crist, dated December 15, 2008, supporting the U.S. Sugar land acquisition. Secretary Sole supports the land acquisition.

44. Consideration of 'River of Grass' Purchase and Sale Agreement and Lease - Carol Wehle, Executive Director (ext. 2893)

Ms. Meeker provided comment on the the economic impact to the Glades community and the lack of progress regarding the economic transition plan.

Ms. Estenoz commented on the inland port and the Glades community being a part of the negotiations for the port.

Mr. Rooney commented on the District's decision having a direct impact to the Glades community. He commented on the lack of an economic transition plan from OTTED.

Mr. Collins provided comment on an economic transition plan for the Glades community.

There was further Board discussion on the economic transition plan for the Glades community.

Mr. Montgomery provided comment on the contractual issues that he believes still needs to be addressed by the Board. Mr. Montgomery provided a list of issues.

Mr. Collins commented the District's ability to afford the land acquisition and whether it suits the purpose of the Everglades restoration.

Mr. Dauray reported on the Sunshine law requirements and Board's public discussion on the land acquisition.

There was further Board discussion on the fundamental issues of more land for water storage, no plan for Everglades restoration, budget issues, contract issues needing to be resolved, and third-party participation for land swaps.

There was Board discussion on trading leverage, provisions to the contract, and the contract procedure.

Mr. Montgomery commented on the economic uncertainties, third-party participation, water storage and agriculture production.

Chair Buermann discussed the requirements of the contract.

Sheryl Wood, General Counsel, reported on the contract "101" and the voting procedures.

Michael Sole, Secretary, Florida Department of Environmental Protection, reported on simultaneous closings, fiscal analysis, third-party participation and contract provisions.

There was Board discussion on the appraisals, value costs of the land, lease back rates, financial language due to lack of revenue.

Mr. Hanna reported on the existing language for financing the contract.

There was Board discussion on the core mission of the District, mining leases, and financing the land acquisition.

Secretary Sole provided information to the Board regarding the BMP negotiations which were accepted by U.S. Sugar Corp, the arsenic exemptions, and the ambient conditions associated with agricultural activities.

Mr. Burns reported on costs associated with the BMPs for phosphorus and nitrogen.

There was further Board discussion with staff on counter offers to U.S. Sugar Corp., the contract timeline and process, the proposed additional condition added to the contract, mining leases, an indemnification clause in the contract, beneficial interest affidavit, lease rate issues and the cost of the land and the core mission of the District.

Ms. Estenoz made a motion to move approval the U.S. Sugar land acquisition with the following additional condition added to the contract:

Additional conditions Precedent to Closing

Add to subsection 7.a.xviii:

BUYER, in its sole and absolute discretion, is satisfied that the amount of debt and debt service necessary to finance this transaction shall not adversely affect the capacity of BUYER to continue to fulfill its statutory, contractual, and other legal obligations and mandates based on its historical and projected operations.

In addition, Mr. Montgomery recommended sending a message that the Governing Board had issues with the mining lease.

Motion made by Shannon Estenoz, seconded by Jerry Montgomery to Approve the following item(s): 44

Vote called. Voting yes: Shannon Estenoz, Jerry Montgomery, Eric Buermann, Melissa Meeker. Voting no: Michael Collins, Charles Dauray, Patrick Rooney. Abstained: Paul C. Huck Jr.. Motion passed.

Discussion Agenda

Water Resources

- 22. 2008-1242** A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract 4600000750 with the Florida Fish and Wildlife Conservation Commission for Phase III and IV of the Three Lakes Wildlife Management Area Hydrologic Restoration Project, to increase funding in the amount of \$1,466,054, as reimbursement to the District, for which \$600,000 is budgeted in FY09 and the remainder is subject to Governing Board approval of future years budgets; providing an effective date. (Contract 4600000750 -A01) (Christine Carlson, ext. 6143)

Chip Merriam, Deputy Executive Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Paul C. Huck Jr. to Approve the following item(s): 22

Vote called. Voting yes: Michael Collins, Paul C. Huck Jr., Eric Buermann, Charles Dauray, Shannon Estenoz, Jerry Montgomery, Patrick Rooney. Not present: Melissa Meeker. Motion passed.

Everglades Restoration

- 23. 2008-1226** A Resolution of the Governing Board of the South Florida Water Management District accepting the Caloosahatchee River Watershed Protection Plan and the St. Lucie River Watershed Protection Plan and directing staff to submit both River Watershed Protection Plans to the legislature; providing an effective date. (Temperince Morgan, ext. 4204) **(Time Certain: 11:30 a.m.)**

Temperince Morgan, NE Program Implementation Manager, Everglades Restoration, presented background information on the Caloosahatchee River and St. Lucie River Watershed Protection Plans. She reported on the public process and comments on the plans.

Public Comment: Tammy Hall, Lee County Commissioner, thanked staff for their hard work for the Caloosahatchee and St. Lucie River Watershed Protection Plans.

Public Comment: Susan Valliere, Martin County Board of County Commissioners, commended staff for their hard work on these plans. Martin & Lee County is committed to work with the District to protect the coastal estuaries.

Ms. Meeker thanked staff for their hard work on these Watershed plans.

Mr. Collins commented on implementation of these plans.

Motion made by Melissa Meeker, seconded by Paul C. Huck Jr. to Approve the following item(s): 23

Vote called. Voting yes: Melissa Meeker, Paul C. Huck Jr., Eric Buermann, Michael Collins, Charles Dauray, Jerry Montgomery, Patrick Rooney. Not present: Shannon Estenoz. Motion passed.

- 24. 2008-1227** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Ardaman & Associates, Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Ardaman & Associates, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001624) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 24

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney. Abstained: Melissa Meeker. Motion passed.

- 25. 2008-1228** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Nutting Engineers of Florida Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Nutting Engineers of Florida Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001626) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 25

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 26. 2008-1229** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Dunkelberger Engineering & Testing, Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Dunkelberger Engineering & Testing, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001620) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 26

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 27. 2008-1230** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Professional Service Industries, Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Professional Service Industries, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001621) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 27

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 28. 2008-1231** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Universal Engineering Sciences, Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Universal Engineering Sciences, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001622) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 28

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 29. 2008-1232** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Nodarse & Associates, Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Nodarse & Associates, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001623) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 29

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 30. 2008-1233** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a three-year work order contract, subject to successful negotiations with Bureau Veritas North America, Inc., one of seven firms selected under Request for Proposal 6000000204 to perform Geotechnical Engineering and Testing Services, for which the total not-to-exceed amount for all seven contracts is \$3,000,000 of which \$1,000,000 in ad valorem and dedicated funds are budgeted and the remainder is subject to Governing Board approval of the FY10-FY12 budgets; if negotiations are unsuccessful with Bureau Veritas North America, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001625) (Ulrich Cordon, ext. 4016)

Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration, presented information on this agenda item.

Motion made by Michael Collins, seconded by Shannon Estenoz to Approve the following item(s): 30

Vote called. Voting yes: Michael Collins, Shannon Estenoz, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

Executive Office

- 31. 2008-1234** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 9 month agreement with Meridian Partners, LLC for extended support of the Project Systems module and integration to the Public Budget Formulation module, authorize a waiver of competition as an exception to the general standards of competition and authorize a budget transfer in the amount of \$3,650,000 from Managerial Reserves within Okeechobee Basin ad valorem fund; providing an effective date. (Paul E. Dumars, Sr., ext 6212)

Paul Dumars, Chief Financial Officer, presented information on this agenda item.

Motion made by Melissa Meeker, seconded by Jerry Montgomery to Approve the following item(s): 31

Vote called. Voting yes: Melissa Meeker, Jerry Montgomery, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Patrick Rooney. Motion passed.

- 32. 2008-1235** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 24 month agreement with Budgetec, LLC for the implementation of the Public Budget Formulation module and authorize a sole source procurement as an exception to the general standards of competition, in the amount of \$1,362,200 of which \$929,040 ad valorem funds are in the FY09 budget and the remainder is subject to Governing Board approval of the FY10 budget; providing an effective date (Paul E. Dumars, Sr., ext 6212)

Paul Dumars, Chief Financial Officer, presented information on this agenda item.

Motion made by Jerry Montgomery, seconded by Melissa Meeker to Approve the following item(s): 32

Vote called. Voting yes: Jerry Montgomery, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Patrick Rooney. Motion passed.

Government and Public Affairs

- 33. 2008-1236** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a cost share agreement with the City of Marathon for stormwater improvements for Service Areas 5 and 6, in the total amount of \$2,840,000 of which the District will contribute \$1,400,000 in budgeted ad-valorem funds subject to Governing Board approval, providing an effective date. (Contract # 4600001591, Tom Genovese, x 7091)

Tom Genovese, Florida Keys Service Center Director, presented information on this agenda item.

Motion made by Michael Collins, seconded by Paul C. Huck Jr. to Approve the following item(s): 33

Vote called. Voting yes: Michael Collins, Paul C. Huck Jr., Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 34. 2008-1237** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to enter into one year agreements with Glades community governments to implement projects to improve water quality, develop water supplies, enhance the environment, provide flood protection and expand services in an amount not to exceed \$2,000,000, as shown in Exhibit A, and approve a budget transfer of \$2,000,000 from Managerial Reserves (ad valorem funds) to the Government and Public Affairs Resource Area; providing an effective date. (Ernie Barnett, ext. 2110)

Ernie Barnett, Director, Office of Legislative Affairs, presented information on this agenda item.

Motion made by Patrick Rooney, seconded by Paul C. Huck Jr. to Approve the following item(s): 34

Vote called. Voting yes: Patrick Rooney, Paul C. Huck Jr., Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery. Motion passed.

- 35. 2008-1238** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 21 month cooperative agreement with Palm Beach County Water Utilities Department for the implementation of a leak detection and infrastructure repair program serving the communities of Belle Glade, Pahokee and South Bay in the amount of \$308,000 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600001643) (Marjorie Craig, ext.2987)

Ernie Barnett, Director, Office of Legislative Affairs, presented information on this agenda item.

Motion made by Patrick Rooney, seconded by Paul C. Huck Jr. to Approve the following item(s): 35

Vote called. Voting yes: Patrick Rooney, Paul C. Huck Jr., Eric Buermann, Michael Collins, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery. Motion passed.

Operations and Maintenance

- 36. 2008-1239** A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 17 month contract with Kisters North America Incorporated, subject to successful negotiations, for the District-wide Advanced Data Analysis System (ADAS), in an amount not-to-exceed \$1,934,679 for which \$460,000 in ad valorem funds are budgeted; and the remainder is subject to Governing Board approval of the FY10-FY11 budgets; providing that, if negotiations are unsuccessful with Kisters North America Incorporated, the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number 4600001628) (Anandhi Ranganthan, ext. 6916)

Larry Deaton, Director, Scada & Hydro Management Department, presented information on this agenda item.

Motion made by Shannon Estenoz, seconded by Michael Collins to Approve the following item(s): 36

Vote called. Voting yes: Shannon Estenoz, Michael Collins, Eric Buermann, Charles Dauray, Paul C. Huck Jr., Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 37. 2008-1240** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 6 month purchase order with Moving Water Industries, (MWI) for ten (10) submersible axial flow pump assemblies to support District structures at S-351, S-352 and S-354 in the amount of \$1,851,059, for which ad valorem funds are budgeted; providing an effective date. (Purchase Requisition Number 10068228) (Kathy Collins, ext. 2894)

Larry Carter, Assistant Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

Motion made by Michael Collins, seconded by Paul C. Huck Jr. to Approve the following item(s): 37

Vote called. Voting yes: Michael Collins, Paul C. Huck Jr., Eric Buermann, Charles Dauray, Shannon Estenoz, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

- 38. 2008-1241** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 120 day contract with American Earth Movers Incorporated, the lowest responsive and responsible bidder, for the S-62 Scour Repair in the amount of \$1,439,000 for which ad valorem funds are budgeted; providing an effective date. (Jose Guardiaro, 2594) (Contract Number 4600001645)

Larry Carter, Assistant Deputy Executive Director, Operations & Maintenance, presented information on this agenda item.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 38

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney. Motion passed.

- 39. Public Comment**

There was no public comment.

Staff Reports

45. General Counsel Report - Sheryl Wood

There was no report provided.

46. Executive Director's Report - Carol Wehle

There was no report provided.

47. Board Comment

There was no Board comment.

Closed Door Agenda

Executive Office

- 48.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 022974 XXXX MB. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 022974 XXXX MB. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, reported action would be taken on this agenda item.

See Resolution No. 2008-1243.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 48

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney.
Motion passed.

49. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 031569 XXXX MB. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Lehtinen v. South Florida Water Management District, Fifteenth Judicial Circuit, Palm Beach County, Florida, Case No. 50 2008 CA 031569 XXXX MB. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, stated action would be taken on Agenda item 49.

See Resolution No. 2008-1243.

Motion made by Shannon Estenoz, seconded by Melissa Meeker to Approve the following item(s): 49

Vote called. Voting yes: Shannon Estenoz, Melissa Meeker, Eric Buermann, Michael Collins, Charles Dauray, Paul C. Huck Jr., Jerry Montgomery, Patrick Rooney. Motion passed.

50. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in United States of America v. South Florida Water Management District, et al. United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, Ext. 6976)

Chair Buermann adjourned to closed-door session on 12/16 at 11:45. He reported the Board would reconvene in approximately 60 minutes.

Chair Buermann reconvened the meeting at 1:00 pm.

Sheryl Wood, General Counsel, reported no action be taken on this agenda item.

51. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, reported no action be taken on this agenda item.

52. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Natural Resources Defense Council, Inc., et al. v. Van Antwerp, et al., United States District Court, Southern District of Florida, Case No. 07-80444-CIV-Middlebrooks. (Sheryl G. Wood, Ext. 6976)

This agenda item was deleted off the agenda.

53. Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, Ext. 6976)

Sheryl Wood, General Counsel, reported action would be taken.

Requested Motion:

- The Governing Board rescind its prior policy statements and press release regarding the critical area of the Biscayne Bay Coastal Wetlands.
- Resolving that areas previously identified as critical area within the Biscayne Bay Coastal Wetlands Project shall be considered on a case by case basis utilizing the existing rules pertaining to Environmental Resource Permits.
- Those areas outside of the critical area shall continue to be considered on a case by case basis utilizing the existing rules pertaining to Environmental Resource Permits.

See Resolution No. 2008-1244.

Motion made by Shannon Estenoz, seconded by Michael Collins to Approve the following item(s): 53

Vote called. Voting yes: Shannon Estenoz, Michael Collins, Eric Buermann, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Not present: Paul C. Huck Jr.. Motion passed.

- 54.** Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl G. Wood, Ext. 6976)

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2007) to discuss strategy related to litigation expenditures and / or settlement negotiations in South Florida Water Management District v. Cutler Bay Venture, LLC, and Miami-Dade County Tax Collector, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 07-30747 CA 10. (Sheryl G. Wood, Ext. 6976)

This agenda item was deleted off the agenda.

Adjournment

- 55. Adjourn**

Chair Buermann adjourned the meeting at 5:05 pm.

Eric Buermann
Governing Board Chairman
South Florida Water Management District Governing Board

Recorded By:

Cathy Widness
Administrative Assistant Senior
Governing Board and Executive Services
SFWMD